



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2845

Introduced 2/17/2016, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1402	from Ch. 110, par. 2-1402
735 ILCS 5/2-1602	
735 ILCS 5/4-107	from Ch. 110, par. 4-107
735 ILCS 5/12-183	from Ch. 110, par. 12-183
735 ILCS 5/12-170 rep.	
735 ILCS 5/12-171 rep.	
735 ILCS 5/12-172 rep.	
735 ILCS 5/12-173 rep.	
735 ILCS 5/12-174 rep.	
735 ILCS 5/12-175 rep.	

Amends the Code of Civil Procedure. In the Section concerning supplementary proceedings, deletes references to the Income and Asset Form. Provides that a judgment may be revived by filing a petition to revive the judgment, serving the petition, and entering an order for revival (instead of "by filing a petition to revive the judgment") at specified times. Provides that after (instead of "before") the entry of an order for attachment, the court shall take bond that meets specified requirements. Deletes language providing that upon the filing of a release or satisfaction in full satisfaction of judgment, signed by the party in whose favor the judgment was entered or his or her attorney, the court shall vacate the judgment, and dismiss the action. Repeals Sections concerning: levy upon corporate stock; mode of levy on corporate stock; mode of sale of corporate stock; certificate of corporate officer; rights of stock purchaser; and right to dividends.

LRB099 20073 HEP 44850 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 changing Sections 2-1402, 2-1602, 4-107, and 12-183 as follows:

6 (735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)

7 Sec. 2-1402. Supplementary proceedings.

8 (a) A judgment creditor, or his or her successor in
9 interest when that interest is made to appear of record, is
10 entitled to prosecute supplementary proceedings for the
11 purposes of examining the judgment debtor or any other person
12 to discover assets or income of the debtor not exempt from the
13 enforcement of the judgment, a deduction order or garnishment,
14 and of compelling the application of non-exempt assets or
15 income discovered toward the payment of the amount due under
16 the judgment. A supplementary proceeding shall be commenced by
17 the service of a citation issued by the clerk. The procedure
18 for conducting supplementary proceedings shall be prescribed
19 by rules. It is not a prerequisite to the commencement of a
20 supplementary proceeding that a certified copy of the judgment
21 has been returned wholly or partly unsatisfied. All citations
22 issued by the clerk shall have the following language, or
23 language substantially similar thereto, stated prominently on

1 the front, in capital letters: "IF YOU FAIL TO APPEAR IN COURT
2 AS DIRECTED IN THIS NOTICE, YOU MAY BE ARRESTED AND BROUGHT
3 BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT,
4 WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL."

5 The court shall not grant a continuance of the supplementary
6 proceeding except upon good cause shown.

7 (b) Any citation served upon a judgment debtor or any other
8 person shall include a certification by the attorney for the
9 judgment creditor or the judgment creditor setting forth the
10 amount of the judgment, the date of the judgment, or its
11 revival date, the balance due thereon, the name of the court,
12 and the number of the case, and a copy of the citation notice
13 required by this subsection. Whenever a citation is served upon
14 a person or party other than the judgment debtor, the officer
15 or person serving the citation shall send to the judgment
16 debtor, within three business days of the service upon the
17 cited party, a copy of the citation and the citation notice,
18 which may be sent by regular first-class mail to the judgment
19 debtor's last known address. In no event shall a citation
20 hearing be held sooner than five business days after the
21 mailing of the citation and citation notice to the judgment
22 debtor, except by agreement of the parties. The citation notice
23 need not be mailed to a corporation, partnership, or
24 association. The citation notice shall be in substantially the
25 following form:

26 "CITATION NOTICE

1 (Name and address of Court)
2 Name of Case: (Name of Judgment Creditor),
3 Judgment Creditor v.
4 (Name of Judgment Debtor),
5 Judgment Debtor.
6 Address of Judgment Debtor: (Insert last known
7 address)
8 Name and address of Attorney for Judgment
9 Creditor or of Judgment Creditor (If no
10 attorney is listed): (Insert name and address)
11 Amount of Judgment: \$ (Insert amount)
12 Name of Person Receiving Citation: (Insert name)
13 Court Date and Time: (Insert return date and time
14 specified in citation)

15 NOTICE: The court has issued a citation against the person
16 named above. The citation directs that person to appear in
17 court to be examined for the purpose of allowing the judgment
18 creditor to discover income and assets belonging to the
19 judgment debtor or in which the judgment debtor has an
20 interest. The citation was issued on the basis of a judgment
21 against the judgment debtor in favor of the judgment creditor
22 in the amount stated above. On or after the court date stated
23 above, the court may compel the application of any discovered
24 income or assets toward payment on the judgment.

25 The amount of income or assets that may be applied toward
26 the judgment is limited by federal and Illinois law. The

1 JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS
2 AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH
3 MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED
4 ABOVE:

5 (1) Under Illinois or federal law, the exemptions of
6 personal property owned by the debtor include the debtor's
7 equity interest, not to exceed \$4,000 in value, in any
8 personal property as chosen by the debtor; Social Security
9 and SSI benefits; public assistance benefits; unemployment
10 compensation benefits; worker's compensation benefits;
11 veteran's benefits; circuit breaker property tax relief
12 benefits; the debtor's equity interest, not to exceed
13 \$2,400 in value, in any one motor vehicle, and the debtor's
14 equity interest, not to exceed \$1,500 in value, in any
15 implements, professional books, or tools of the trade of
16 the debtor.

17 (2) Under Illinois law, every person is entitled to an
18 estate in homestead, when it is owned and occupied as a
19 residence, to the extent in value of \$15,000, which
20 homestead is exempt from judgment.

21 (3) Under Illinois law, the amount of wages that may be
22 applied toward a judgment is limited to the lesser of (i)
23 15% of gross weekly wages or (ii) the amount by which
24 disposable earnings for a week exceed the total of 45 times
25 the federal minimum hourly wage or, under a wage deduction
26 summons served on or after January 1, 2006, the Illinois

1 minimum hourly wage, whichever is greater.

2 (4) Under federal law, the amount of wages that may be
3 applied toward a judgment is limited to the lesser of (i)
4 25% of disposable earnings for a week or (ii) the amount by
5 which disposable earnings for a week exceed 30 times the
6 federal minimum hourly wage.

7 (5) Pension and retirement benefits and refunds may be
8 claimed as exempt under Illinois law.

9 The judgment debtor may have other possible exemptions
10 under the law.

11 THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING
12 TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The
13 judgment debtor also has the right to seek a declaration at an
14 earlier date, by notifying the clerk in writing at (insert
15 address of clerk). When so notified, the Clerk of the Court
16 will obtain a prompt hearing date from the court and will
17 provide the necessary forms that must be prepared by the
18 judgment debtor or the attorney for the judgment debtor and
19 sent to the judgment creditor and the judgment creditor's
20 attorney regarding the time and location of the hearing. This
21 notice may be sent by regular first class mail."

22 (b-1) Any citation served upon a judgment debtor who is a
23 natural person shall be served by personal service or abode
24 service as provided in Supreme Court Rule 105 ~~and shall include~~
25 ~~a copy of the Income and Asset Form set forth in subsection~~
26 ~~(b-5).~~

1 ~~I have.....dependents.~~

2 ~~Do you have a job? YES NO~~

3 ~~Company's name I work for:.....~~

4 ~~Company's address:.....~~

5 ~~Job:~~

6 ~~I earn \$..... per.....~~

7 ~~If self employed, list here your business name and~~
8 ~~address:~~

9 ~~.....~~

10 ~~Income from self employment is \$..... per~~
11 ~~year.~~

12 ~~I have the following benefits with my employer:~~

13 ~~.....~~

14 ~~I do not have a job, but I support myself through:~~

15 ~~Government Assistance \$..... per month~~

16 ~~Unemployment \$..... per month~~

17 ~~Social Security \$..... per month~~

18 ~~SSI \$..... per month~~

19 ~~Pension \$..... per month~~

20 ~~Other \$..... per month~~

21 ~~Real Estate:~~

22 ~~Do you own any real estate? YES NO~~

23 ~~I own real estate at....., with names of other~~
24 ~~owners~~

25 ~~.....~~

1 ~~Additional real estate I own:~~

2 ~~I have a beneficial interest in a land trust. The name~~
3 ~~and address of the trustee is:..... The beneficial~~
4 ~~interest is listed in my name and~~

5 ~~There is a mortgage on my real estate. State the~~
6 ~~mortgage company's name and address for each parcel of real~~
7 ~~estate owned:~~

8 ~~.....~~

9 ~~An assignment of beneficial interest in the land trust~~
10 ~~was signed to secure a loan from.....~~

11 ~~I have the following accounts:~~

12 ~~Checking account at;~~

13 ~~account balance \$.....~~

14 ~~Savings account at;~~

15 ~~account balance \$.....~~

16 ~~Money market or certificate of deposit at~~

17 ~~Safe deposit box at~~

18 ~~Other accounts (please identify):~~

19 ~~I own:~~

20 ~~A vehicle (state year, make, model, and VIN):~~

21 ~~Jewelry (please specify):~~

22 ~~Other property described as:.....~~

23 ~~Stocks/Bonds.....~~

24 ~~Personal computer.....~~

25 ~~DVD player.....~~

26 ~~Television.....~~

1 ~~Stove.....~~

2 ~~Microwave.....~~

3 ~~Work tools.....~~

4 ~~Business equipment.....~~

5 ~~Farm equipment.....~~

6 ~~Other property (please specify):~~

7 ~~.....~~

8 ~~Signature:.....~~

9 (b-10) Any action properly initiated under this Section may

10 proceed ~~notwithstanding an absent or incomplete Income and~~

11 ~~Asset Form,~~ and a judgment debtor may be examined for the

12 purpose of allowing the judgment creditor to discover income

13 and assets belonging to the judgment debtor or in which the

14 judgment debtor has an interest.

15 (c) When assets or income of the judgment debtor not exempt

16 from the satisfaction of a judgment, a deduction order or

17 garnishment are discovered, the court may, by appropriate order

18 or judgment:

19 (1) Compel the judgment debtor to deliver up, to be

20 applied in satisfaction of the judgment, in whole or in

21 part, money, choses in action, property or effects in his

22 or her possession or control, so discovered, capable of

23 delivery and to which his or her title or right of

24 possession is not substantially disputed.

25 (2) Compel the judgment debtor to pay to the judgment

26 creditor or apply on the judgment, in installments, a

1 portion of his or her income, however or whenever earned or
2 acquired, as the court may deem proper, having due regard
3 for the reasonable requirements of the judgment debtor and
4 his or her family, if dependent upon him or her, as well as
5 any payments required to be made by prior order of court or
6 under wage assignments outstanding; provided that the
7 judgment debtor shall not be compelled to pay income which
8 would be considered exempt as wages under the Wage
9 Deduction Statute. The court may modify an order for
10 installment payments, from time to time, upon application
11 of either party upon notice to the other.

12 (3) Compel any person cited, other than the judgment
13 debtor, to deliver up any assets so discovered, to be
14 applied in satisfaction of the judgment, in whole or in
15 part, when those assets are held under such circumstances
16 that in an action by the judgment debtor he or she could
17 recover them in specie or obtain a judgment for the
18 proceeds or value thereof as for conversion or
19 embezzlement. A judgment creditor may recover a corporate
20 judgment debtor's property on behalf of the judgment debtor
21 for use of the judgment creditor by filing an appropriate
22 petition within the citation proceedings.

23 (4) Enter any order upon or judgment against the person
24 cited that could be entered in any garnishment proceeding.

25 (5) Compel any person cited to execute an assignment of
26 any chose in action or a conveyance of title to real or

1 personal property or resign memberships in exchanges,
2 clubs, or other entities in the same manner and to the same
3 extent as a court could do in any proceeding by a judgment
4 creditor to enforce payment of a judgment or in aid of the
5 enforcement of a judgment.

6 (6) Authorize the judgment creditor to maintain an
7 action against any person or corporation that, it appears
8 upon proof satisfactory to the court, is indebted to the
9 judgment debtor, for the recovery of the debt, forbid the
10 transfer or other disposition of the debt until an action
11 can be commenced and prosecuted to judgment, direct that
12 the papers or proof in the possession or control of the
13 debtor and necessary in the prosecution of the action be
14 delivered to the creditor or impounded in court, and
15 provide for the disposition of any moneys in excess of the
16 sum required to pay the judgment creditor's judgment and
17 costs allowed by the court.

18 (c-5) If a citation is directed to a judgment debtor who is
19 a natural person, no payment order shall be entered under
20 subsection (c) unless ~~the Income and Asset Form was served upon~~
21 ~~the judgment debtor as required by subsection (b-1),~~ the
22 judgment debtor has had an opportunity to assert exemptions,
23 and the payments are from non-exempt sources.

24 (d) No order or judgment shall be entered under subsection
25 (c) in favor of the judgment creditor unless there appears of
26 record a certification of mailing showing that a copy of the

1 citation and a copy of the citation notice was mailed to the
2 judgment debtor as required by subsection (b).

3 (d-5) If upon examination the court determines that the
4 judgment debtor does not possess any non-exempt income or
5 assets, then the citation shall be dismissed.

6 (e) All property ordered to be delivered up shall, except
7 as otherwise provided in this Section, be delivered to the
8 sheriff to be collected by the sheriff or sold at public sale
9 and the proceeds thereof applied towards the payment of costs
10 and the satisfaction of the judgment. If the judgment debtor's
11 property is of such a nature that it is not readily delivered
12 up to the sheriff for public sale or if another method of sale
13 is more appropriate to liquidate the property or enhance its
14 value at sale, the court may order the sale of such property by
15 the debtor, third party respondent, or by a selling agent other
16 than the sheriff upon such terms as are just and equitable. The
17 proceeds of sale, after deducting reasonable and necessary
18 expenses, are to be turned over to the creditor and applied to
19 the balance due on the judgment.

20 (f) (1) The citation may prohibit the party to whom it is
21 directed from making or allowing any transfer or other
22 disposition of, or interfering with, any property not exempt
23 from the enforcement of a judgment therefrom, a deduction order
24 or garnishment, belonging to the judgment debtor or to which he
25 or she may be entitled or which may thereafter be acquired by
26 or become due to him or her, and from paying over or otherwise

1 disposing of any moneys not so exempt which are due or to
2 become due to the judgment debtor, until the further order of
3 the court or the termination of the proceeding, whichever
4 occurs first. The third party may not be obliged to withhold
5 the payment of any moneys beyond double the amount of the
6 balance due sought to be enforced by the judgment creditor. The
7 court may punish any party who violates the restraining
8 provision of a citation as and for a contempt, or if the party
9 is a third party may enter judgment against him or her in the
10 amount of the unpaid portion of the judgment and costs
11 allowable under this Section, or in the amount of the value of
12 the property transferred, whichever is lesser.

13 (2) The court may enjoin any person, whether or not a party
14 to the supplementary proceeding, from making or allowing any
15 transfer or other disposition of, or interference with, the
16 property of the judgment debtor not exempt from the enforcement
17 of a judgment, a deduction order or garnishment, or the
18 property or debt not so exempt concerning which any person is
19 required to attend and be examined until further direction in
20 the premises. The injunction order shall remain in effect until
21 vacated by the court or until the proceeding is terminated,
22 whichever first occurs.

23 (g) If it appears that any property, chose in action,
24 credit or effect discovered, or any interest therein, is
25 claimed by any person, the court shall, as in garnishment
26 proceedings, permit or require the claimant to appear and

1 maintain his or her right. The rights of the person cited and
2 the rights of any adverse claimant shall be asserted and
3 determined pursuant to the law relating to garnishment
4 proceedings.

5 (h) Costs in proceedings authorized by this Section shall
6 be allowed, assessed and paid in accordance with rules,
7 provided that if the court determines, in its discretion, that
8 costs incurred by the judgment creditor were improperly
9 incurred, those costs shall be paid by the judgment creditor.

10 (i) This Section is in addition to and does not affect
11 enforcement of judgments or proceedings supplementary thereto,
12 by any other methods now or hereafter provided by law.

13 (j) This Section does not grant the power to any court to
14 order installment or other payments from, or compel the sale,
15 delivery, surrender, assignment or conveyance of any property
16 exempt by statute from the enforcement of a judgment thereon, a
17 deduction order, garnishment, attachment, sequestration,
18 process or other levy or seizure.

19 (k) (Blank).

20 (k-3) The court may enter any order upon or judgment
21 against the respondent cited that could be entered in any
22 garnishment proceeding under Part 7 of Article XII of this
23 Code. This subsection (k-3) shall be construed as being
24 declarative of existing law and not as a new enactment.

25 (k-5) If the court determines that any property held by a
26 third party respondent is wages pursuant to Section 12-801, the

1 court shall proceed as if a wage deduction proceeding had been
2 filed and proceed to enter such necessary and proper orders as
3 would have been entered in a wage deduction proceeding
4 including but not limited to the granting of the statutory
5 exemptions allowed by Section 12-803 and all other remedies
6 allowed plaintiff and defendant pursuant to Part 8 of Article
7 12 of this Act.

8 (k-10) If a creditor discovers personal property of the
9 judgment debtor that is subject to the lien of a citation to
10 discover assets, the creditor may have the court impress a lien
11 against a specific item of personal property, including a
12 beneficial interest in a land trust. The lien survives the
13 termination of the citation proceedings and remains as a lien
14 against the personal property in the same manner that a
15 judgment lien recorded against real property pursuant to
16 Section 12-101 remains a lien on real property. If the judgment
17 is revived before dormancy, the lien shall remain. A lien
18 against personal property may, but need not, be recorded in the
19 office of the recorder or filed as an informational filing
20 pursuant to the Uniform Commercial Code.

21 (l) At any citation hearing at which the judgment debtor
22 appears and seeks a declaration that certain of his or her
23 income or assets are exempt, the court shall proceed to
24 determine whether the property which the judgment debtor
25 declares to be exempt is exempt from judgment. At any time
26 before the return date specified on the citation, the judgment

1 debtor may request, in writing, a hearing to declare exempt
2 certain income and assets by notifying the clerk of the court
3 before that time, using forms as may be provided by the clerk
4 of the court. The clerk of the court will obtain a prompt
5 hearing date from the court and will provide the necessary
6 forms that must be prepared by the judgment debtor or the
7 attorney for the judgment debtor and sent to the judgment
8 creditor, or the judgment creditor's attorney, regarding the
9 time and location of the hearing. This notice may be sent by
10 regular first class mail. At the hearing, the court shall
11 immediately, unless for good cause shown that the hearing is to
12 be continued, shall proceed to determine whether the property
13 which the judgment debtor declares to be exempt is exempt from
14 judgment. The restraining provisions of subsection (f) shall
15 not apply to any property determined by the court to be exempt.

16 (m) The judgment or balance due on the judgment becomes a
17 lien when a citation is served in accordance with subsection
18 (a) of this Section. The lien binds nonexempt personal
19 property, including money, choses in action, and effects of the
20 judgment debtor as follows:

21 (1) When the citation is directed against the judgment
22 debtor, upon all personal property belonging to the
23 judgment debtor in the possession or control of the
24 judgment debtor or which may thereafter be acquired or come
25 due to the judgment debtor to the time of the disposition
26 of the citation.

1 (2) When the citation is directed against a third
2 party, upon all personal property belonging to the judgment
3 debtor in the possession or control of the third party or
4 which thereafter may be acquired or come due the judgment
5 debtor and comes into the possession or control of the
6 third party to the time of the disposition of the citation.

7 The lien established under this Section does not affect the
8 rights of citation respondents in property prior to the service
9 of the citation upon them and does not affect the rights of
10 bona fide purchasers or lenders without notice of the citation.
11 The lien is effective for the period specified by Supreme Court
12 Rule.

13 This subsection (m), as added by Public Act 88-48, is a
14 declaration of existing law.

15 (n) If any provision of this Act or its application to any
16 person or circumstance is held invalid, the invalidity of that
17 provision or application does not affect the provisions or
18 applications of the Act that can be given effect without the
19 invalid provision or application.

20 (o) The changes to this Section made by this amendatory Act
21 of the 97th General Assembly apply only to supplementary
22 proceedings commenced under this Section on or after the
23 effective date of this amendatory Act of the 97th General
24 Assembly. The requirements or limitations set forth in
25 subsections (b-1), (b-5), (b-10), (c-5), and (d-5) do not apply
26 to the enforcement of any order or judgment resulting from an

1 adjudication of a municipal ordinance violation that is subject
2 to Supreme Court Rules 570 through 579, or from an
3 administrative adjudication of such an ordinance violation.
4 (Source: P.A. 97-350, eff. 1-1-12; 97-848, eff. 7-25-12;
5 98-557, eff. 1-1-14.)

6 (735 ILCS 5/2-1602)

7 Sec. 2-1602. Revival of judgment.

8 (a) A judgment may be revived by filing a petition to
9 revive the judgment, serving the petition, and entering an
10 order for revival in the seventh year after its entry, or in
11 the seventh year after its last revival, or in the twentieth
12 year after its entry, or at any other time within 20 years
13 after its entry if the judgment becomes dormant. The provisions
14 of this amendatory Act of the 96th General Assembly are
15 declarative of existing law.

16 (b) A petition to revive a judgment shall be filed in the
17 original case in which the judgment was entered. The petition
18 shall include a statement as to the original date and amount of
19 the judgment, court costs expended, accrued interest, and
20 credits to the judgment, if any.

21 (c) Service of notice of the petition to revive a judgment
22 shall be made in accordance with Supreme Court Rule 106.

23 (d) An order reviving a judgment shall be for the original
24 amount of the judgment. The plaintiff may recover interest and
25 court costs from the date of the original judgment. Credits to

1 the judgment shall be reflected by the plaintiff in
2 supplemental proceedings or execution.

3 (e) If a judgment debtor has filed for protection under the
4 United States Bankruptcy Code and failed to successfully
5 adjudicate and remove a lien filed by a judgment creditor, then
6 the judgment may be revived only as to the property to which a
7 lien attached before the filing of the bankruptcy action.

8 (f) A judgment may be revived as to fewer than all judgment
9 debtors, and such order for revival of judgment shall be final,
10 appealable, and enforceable.

11 (g) This Section does not apply to a child support judgment
12 or to a judgment recovered in an action for damages for an
13 injury described in Section 13-214.1, which need not be revived
14 as provided in this Section and which may be enforced at any
15 time as provided in Section 12-108.

16 (h) If a judgment becomes dormant during the pendency of an
17 enforcement proceeding against wages under Part 14 of this
18 Article or under Article XII, the enforcement may continue to
19 conclusion without revival of the underlying judgment so long
20 as the enforcement is done under court supervision and includes
21 a wage deduction order or turn over order and is against an
22 employer, garnishee, or other third party respondent.

23 (Source: P.A. 97-350, eff. 1-1-12; 98-557, eff. 1-1-14.)

24 (735 ILCS 5/4-107) (from Ch. 110, par. 4-107)

25 Sec. 4-107. Bond. After ~~Before~~ the entry of an order for

1 attachment, as hereinabove stated, the court shall take bond
2 and sufficient security, payable to the People of the State of
3 Illinois, for the use of the person or persons interested in
4 the property attached, in double the sum sworn to be due,
5 conditioned for satisfying all costs which may be awarded to
6 such defendant, or to any others interested in the proceedings,
7 and all damages and costs which shall be recovered against the
8 plaintiff, for wrongfully obtaining the attachment order,
9 which bond, with affidavit of the party complaining, or his,
10 her or its agent or attorney, shall be filed in the court
11 entering the order for attachment. Every order for attachment
12 entered without a bond and affidavit taken, is hereby declared
13 illegal and void, and shall be dismissed. Nothing herein
14 contained shall be construed to require the State of Illinois,
15 or any Department of Government thereof, or any State officer,
16 to file a bond as plaintiff in any proceeding instituted under
17 Part 1 of Article IV of this Act.

18 (Source: P.A. 83-707.)

19 (735 ILCS 5/12-183) (from Ch. 110, par. 12-183)

20 Sec. 12-183. Release of judgment.

21 (a) Every judgment creditor, his or her assignee of record
22 or other legal representative having received full
23 satisfaction or payment of all such sums of money as are really
24 due to him or her from the judgment debtor on any judgment
25 rendered in a court shall, at the request of the judgment

1 debtor or his or her legal representative, execute and deliver
2 to the judgment debtor or his or her legal representative an
3 instrument in writing releasing such judgment.

4 (b) If the judgment creditor, his or her assigns of record
5 or other legal representative to whom tender has been made of
6 all sums of money due him or her from the judgment debtor
7 including interest, on any judgment entered by a court,
8 wilfully fails or refuses, at the request of the judgment
9 debtor or his or her legal representative to execute and
10 deliver to the judgment debtor or his or her legal
11 representative an instrument in writing releasing such
12 judgment, the judgment debtor may petition the court in which
13 such judgment is of record, making tender therewith to the
14 court of all sums due in principal and interest on such
15 judgment, for the use of the judgment creditor, his or her
16 executors, administrators or assigns, whereupon the court
17 shall enter an order satisfying the judgment and releasing all
18 liens based on such judgment.

19 (c) For the recording of assignment of any judgment the
20 clerk of the court in which such judgment is of record is
21 allowed a fee of \$2.

22 (d) A satisfaction of a judgment may be delivered to the
23 judgment debtor, his or her attorney or to the clerk of the
24 court in which such judgment is of record.

25 (e) The clerk shall not be allowed any fee for recording
26 the satisfaction of judgment. The clerk of the court shall make

1 appropriate notation on the judgment docket of the book and
2 page where any release or assignment of any judgment is
3 recorded.

4 (f) No judgment shall be released of record except by an
5 instrument in writing recorded in the court in which such
6 judgment is of record. However, nothing contained in this
7 Section affects in any manner the validity of any release of
8 judgment made, prior to January 1, 1952, in judgment and
9 execution dockets by the judgment creditor, his or her
10 attorney, assignee or other legal representative.

11 (g) The writ of audita querela is abolished and all relief
12 heretofore obtainable and grounds for such relief heretofore
13 available, whether by the writ of audita querela or otherwise,
14 shall be available in every case by petition hereunder,
15 regardless of the nature of the order or judgment from which
16 relief is sought or of the proceeding in which it was entered.
17 There shall be no distinction between actions and other
18 proceedings, statutory or otherwise, as to availability of
19 relief, grounds for relief or relief obtainable. The petition
20 shall be filed in the same proceeding in which the order or
21 judgment was entered and shall be supported by affidavit or
22 other appropriate showing as to matters not of record. All
23 parties to the petition shall be notified as provided by rule.

24 (h) (Blank). ~~Upon the filing of a release or satisfaction~~
25 ~~in full satisfaction of judgment, signed by the party in whose~~
26 ~~favor the judgment was entered or his or her attorney, the~~

1 ~~court shall vacate the judgment, and dismiss the action.~~

2 (i) Any judgment arising out of an order for support shall
3 not be a judgment to the extent of payments made as evidenced
4 by the records of the Clerk of the Circuit Court or State
5 agency receiving payments pursuant to the order. In the event
6 payments made pursuant to that order are not paid to the Clerk
7 of the Circuit Court or a State agency, then any judgment
8 arising out of each order for support may be released in the
9 following manner:

10 (1) A Notice of Filing and an affidavit stating that
11 all installments of child support required to be paid
12 pursuant to the order under which the judgment or judgments
13 were entered have been paid shall be filed with the office
14 of the court or agency entering said order for support,
15 together with proof of service of such notice and affidavit
16 upon the recipient of such payments.

17 (2) Service of such affidavit shall be by any means
18 authorized under Sections 2-203 and 2-208 of the Code of
19 Civil Procedure or under Supreme Court Rules 11 or 105(b).

20 (3) The Notice of Filing shall set forth the name and
21 address of the judgment debtor and the judgment creditor,
22 the court file number of the order giving rise to the
23 judgment and, in capital letters, the following statement:

24 YOU ARE HEREBY NOTIFIED THAT ON (insert date) THE
25 ATTACHED AFFIDAVIT WAS FILED IN THE OFFICE OF THE CLERK OF
26 THE CIRCUIT COURT OF COUNTY, ILLINOIS, WHOSE ADDRESS

1 IS, ILLINOIS. IF, WITHIN 28 DAYS OF THE DATE OF
 2 THIS NOTICE, YOU FAIL TO FILE AN AFFIDAVIT OBJECTING TO THE
 3 SATISFACTION OF THE STATED JUDGMENT OR JUDGMENTS IN THE
 4 ABOVE OFFICE, THE SAID JUDGMENTS WILL BE DEEMED TO BE
 5 SATISFIED AND NOT ENFORCEABLE. THE SATISFACTION WILL NOT
 6 PREVENT YOU FROM ENFORCING THE ORDER FOR SUPPORT THROUGH
 7 THE COURT.

8 (4) If no affidavit objecting to the satisfaction of
 9 the judgment or judgments is filed within 28 days of the
 10 Notice described in paragraph (3) of this subsection (i),
 11 such judgment or judgments shall be deemed to be satisfied
 12 and not enforceable.

13 (Source: P.A. 91-357, eff. 7-29-99.)

14 (735 ILCS 5/12-170 rep.)

15 (735 ILCS 5/12-171 rep.)

16 (735 ILCS 5/12-172 rep.)

17 (735 ILCS 5/12-173 rep.)

18 (735 ILCS 5/12-174 rep.)

19 (735 ILCS 5/12-175 rep.)

20 Section 10. The Code of Civil Procedure is amended by
 21 repealing Sections 12-170, 12-171, 12-172, 12-173, 12-174, and
 22 12-175.